IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18195 of 2004

Between:

Mogarala Prasad, S/o. Mogarala Krishnaiah,
Resident of Vedayapale, Nellore District.

..... PETITIONER

AND

1 Sri Jaya Rama Subba Reddy S.I. of Vth Town, Nellore, Nellore District.
2 Sri Nazeer Ahmed, Town Circle Inspector, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more direction more particularly one in the nature of "WRIT OF MANDAMUS" or any other, appropriate writ directing the Respondents take appropriate action on the complaint lodged by the Petitioner dated 20-5-2004, as arbitrary illegal, mala fide, violating Article 14, 16 and 21 of India Constitution with a direction to take appropriate action on the complaint lodged by the petitioner dated 20-5-2004.

Counsel for the Petitioner : MR. V.SARAVANA KUMAR

Counsel for the Respondents : GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.18195 OF 2004

ORAL ORDER :

The petitioner seeks a Writ of Mandamus directing the respondents to take appropriate action on the complaint lodged by the petitioner dated 20-05-2004 and to take necessary action in accordance with law.

The petitioner states that he is in occupation of 30 cents of land situated in Sy.No.70/7 A & B of Old Vedayapalem, Nellore, Nellore District whereunder he has erected a thatched house and staying therein. It is further stated that on 20-05-2004 one J.L.Narayana, proprietor of real estate B.Veera Swami, proprietor of Abisek Steel Company and some others entered into his house with weapons, beat the petitioner and his old aged parents and forcibly evicted them from the house and demolished thatched house and they have taken away all the household articles worth Rs.50,000/-. In the circumstances, the petitioner lodged a complaint on 20-05-

2004 with the respondents, but no action has been taken. Hence, this writ petition.

On behalf of the respondents, the Assistant Sub-Inspector of Police, V Town P.S., Nellore filed a counter-affidavit denying all the allegations made by the petitioner and stating that the petitioner submitted representations dated 11-08-2003, 03-09-2003 and 22-01-2004 respectively to the Superintendent of Police, Nellore stating that there was a dispute between himself and one J.L.Narayana with regard to a houe site and that the said J.L.Narayana and his followers demolished his house. The first respondent having enquired into the same submitted reports dated 23-08-2003, 25-09-2003 to the Superintendent of Police, Nellore stating that the said dispute is civil in nature and is pending before the Senior Civil Judge, Nellore. Except above, the petitioner did not give the complaint dated 20-05-2004 as allged by him.

In the light of the averments in the counter-affidavit denying the allegations made by the petitioner, no further adjudication is necessary in the writ petition.

Accordingly, recording the statement of the respondents in their counter-affidavit, the Writ Petition is disposed of. No costs.

11th November, 2004.

gbs

To

1 The Sub-Inspector of Police, V Town, Nellore, Nellore District.
2 The Town Circle Inspector, Nellore, Nellore District.

3.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad. (OUT)

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